

AMENDED IN SENATE JUNE 30, 2005

AMENDED IN ASSEMBLY MAY 26, 2005

AMENDED IN ASSEMBLY MARCH 31, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 217

Introduced by Assembly Member Vargas
(Principal coauthors: Assembly Members Berg and Cohn)
(Coauthors: Assembly Members Bermudez, DeVore, Shirley
Horton, Koretz, Sharon Runner, Ruskin, Salinas, and Spitzer)
(Coauthors: Senators Dutton and Morrow)

February 3, 2005

An act to add Article 6.5 (commencing with Section 1312) to Chapter 2 of Division 2 of the Health and Safety Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

AB 217, as amended, Vargas. Sex offenders: nursing facilities.

Existing law regulates the licensure and operation of health facilities, including long-term health care facilities, as defined. A violation of these provisions is a crime.

Existing law separately requires a person who has committed one or more designated sex crimes to register with the law enforcement agency of the city, county, city and county, or campus in which the person resides.

Existing law requires every person released on probation or parole who is required to register as a sex offender to provide proof of registration to his or her probation officer or parole agent within 6 working days of release on probation or parole, and requires the

registering law enforcement agency to provide the registrant with a photocopy of the registration for this purpose, or for purposes of any other provision of law.

Before a person who is required to register as a sex offender is released into a long-term health care facility, this bill would require the Department of Corrections; *and Rehabilitation, the State Department of Mental Health, California Youth Authority*, or any other official in charge of the place of confinement to notify the long-term health care facility in writing that the person is being released to reside at the facility.

By increasing the duties of local law enforcement, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 6.5 (commencing with Section 1312) is
2 added to Chapter 2 of Division 2 of the Health and Safety Code,
3 to read:

4
5 Article 6.5. Release of Sex Offender to Long-Term Health
6 Care Facility
7

8 1312. ~~(a)~~ Before a person who is required to register as a sex
9 offender under Section 290 of the Penal Code is released into a
10 long-term health care facility, as defined in Section 1418, the
11 Department of Corrections; *and Rehabilitation, the State*
12 *Department of Mental Health, California Youth Authority*, any or
13 other official in charge of the place of confinement, shall notify
14 the facility, in writing, that the sex offender is being released to
15 reside at the facility.

1 SEC. 2. If the Commission on State Mandates determines that
2 this act contains costs mandated by the state, reimbursement to
3 local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

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